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EXAMINER				
HOSSAIN, FARZANA E				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

09/601,126

## Applicant(s)

NASHIDA ET AL.

## Examiner

FARZANA E. HOSSAIN

## Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/89)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/08/2008 has been entered.

### ***Response to Amendment***

2. This action is in response to communications filed 10/08/2008. Claims 1, 4 and 18 are amended. Claims 2, 3, 5-17, 19-21 have been previously presented.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Regarding Claim 1, the applicant argues that Florin does not disclose that the selected child screen by shifting the entire menu screen with respect to each of the plurality of child screens displayed on the menu screen, the selected child

screen is enlarged and the enlarged child screen is not duplicative of any of the plurality of child screens displayed on the menu screen (Pages 12-13). The applicant further argues that Florin, McGee, Alexander, Herz and Hatori taken either alone or in combination fail to teach or suggest the features (Page 14).

In response to the arguments, the examiner agrees that Florin does not meet the new limitations. However, during the interview, the examiner discussed the new limitations overcame the Florin reference. The applicants and the examiners did not discuss the Hatori reference during the interview and Hatori was not reviewed for whether or not overcame the new limitations as it was used for dependent claims. Hatori was previously used to reject limitations including spiral layout and temporal order which did not deal with same subject matter as the new limitations. Upon further search, the examiner has considered numerous other references for these limitations however finds that Hatori reference best meets the new limitations. Hatori discloses an user interface with a plurality of selected child screens (Figure 4), the selected child screen or a selected data icon of the earliest time is moved to the center or innermost spiral by shifting the entire menu screen with respect to each of the plurality of child screens displayed on the menu screen (Column 5, lines 30-56), the selected child screen is not duplicative of any of the plurality of child screens displayed on the menu screen as the data icons all descend in the spiral in the order of time (Column 5, lines 16-26).

Furthermore, in *KSR International Co. Teleflex Inc.*, 127 S.Ct 1727 (2007), the Court found that if all the claimed elements are known in the prior art then

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one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention.

The applicant states that the above argument applies to claims 4 and 18 and all dependent claims. See response above.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin et al (US 5,583,560 and hereafter referred to as "Florin") in view of McGee et al. (US 6,496,228 and hereafter referred to as "McGee"), Alexander et al. (US 6,177,931 and hereafter referred to as "Alexander"), Herz et al (US 5,835,087 and hereafter referred to as "Herz") and Hatori et al (US 5,977,974 and hereafter referred to as "Hatori").

Regarding Claims 1, 4 and 18, Florin discloses an information providing apparatus and information providing method (Figure 1-2, element 54) for displaying information on a screen (Figure 6-50), based on information data

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provided through a plurality of information sources (Figure 1, elements 50, 56, 57), characterized by comprising:

means for obtaining first index information or television program listing (Figure 2, 67, Column 2, lines 53-59; Column 10, lines 61-65) from a first information source 50 of the plurality of information sources (Figure 1, 50, 56, 57);

means for obtaining second index information including listing of all programs recorded on the VCR (Figure 2, 69, Column 16, lines 40-50) from a second information source including VCR (Figure 2, 56) of the plurality of information sources (Figure 1, Figure 2);

means for displaying a categorized menu on the screen (Figure 2, 58, Figures 22-35) menu of icons/still images (Column 3, lines 13-21, Column 20, lines 51-65), based on the obtained first and second index information from the first and second information (Column 20, lines 28-31); and

means for obtaining necessary information from the first or second information source, in response to selection operation on the menu screen, and for displaying information based on the necessary information (Figure 2, 63, Figure 33, 380, 375 Column 20, lines 34-50);

wherein the menu screen is arranged to display the information in a plurality of dimensions (two-dimensional icons) and levels or plurality of sub-menus by the user selecting icon (Figure 28, 315); in which the screen display the second level of sub-menu 360) such that a substantial portion of the necessary information (Figure 28, 360, 300) can be seen and navigated on a

minimum number of screens to enable relatively easy programming decisions and selections (Figures 22-35); and

wherein a plurality of child screens are displayed on the menu screen (Figure 28, Figures 33- 35) and wherein a selected child screen is positioned in a center region of the menu screen by shifting the entire menu (Figure 34, 380, Column 20, lines 51-65, Column 21, lines 13-15) and enlarged to encompass substantially all of the screen or all of the screen (Column 20, lines 51-65, Column 21, lines 1-15), wherein a main menu screen is constructed by the categorized menu (Figures 22-24, 302, 315, Figure 25-35) and at least one menu from a menu of favorite channels and menu of media (Figures 22-24, 302, 315, 310, figures 25-35).

Florin does not clearly disclose, "wherein the first index information includes representative information indicating scene changes in the information data provided through the first information source, means for recording a history of programs watched and heard by a user, and controlling the display of information such that a favorite channel of the user is displayed to be selectable a priori in accordance with the history, that the main screen has at least one menu from a menu of recommended channel and a menu of media and a selection is gradually enlarged. Florin also does not specifically disclose that the selected child screen by shifting the entire menu screen with respect to each of the plurality of child screens displayed on the menu screen, the selected child screen is enlarged and the enlarged child screen is not duplicative of any of the plurality of child screens displayed on the menu screen.

McGee discloses wherein the first index information includes representative information indicating scene changes in the information data provided through the first information source (Column 3, lines 33-65, Column 15, lines 25-65). Alexander, in a similar art, discloses means for recording a history of programs watched and heard by a user, and controlling the display of information such that a favorite channel of the user is displayed to be selectable a priori in accordance with the history (Column 16, lines 36-50; Column 28, lines 30-67; Column 30, lines 38-67, Column 31, lines 1-8) wherein a main menu screen is constructed by the categorized menu (Figure 7, Column 7, lines 47-55, Column 15, lines 33-40) and at least one menu from a menu of favorites and menu of media (Column 16, lines 36-50, Figure 1, Figure 7).

In analogous art, Herz discloses a menu with target objects including a plurality of dimension and levels or clusters and sub-clusters, the plurality of sub-clusters can allow the menu scale to be gradually increased over time for a current menu for a cluster or sub-cluster or child screen giving a "zooming in" impression to the viewer or a selection of child screen is gradually enlarged (Column 64, lines 5-67, Column 65, lines 63-66, Column 66, lines 20-32).

In analogous art, Hatori discloses an user interface with a plurality of selected child screens (Figure 4), the selected child screen or a selected data icon of the earliest time is moved to the center or innermost spiral by shifting the entire menu screen with respect to each of the plurality of child screens displayed on the menu screen (Column 5, lines 30-56), the selected child screen is not duplicative of any of the plurality of child screens displayed on the menu screen



as the data icons all descend in the spiral in the order of time (Column 5, lines 16-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Florin to include the first index information includes representative information indicating scene changes in the information data provided through the first information source (Column 3, lines 33-65, Column 15, lines 25-65) as taught by McGee so to provide to user a system which will create a visual index in a useable form of video source which was previously recorded or while being recorded in which the user could browse, navigate through the visual index by either Fast Forward through the source video or play the source video from the visual index to the selected key frame (Column 15, lines 64-67) as disclosed by McGee. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination by means for recording a history of programs watched and heard by a user, and controlling the display of information such that a favorite channel of the user is displayed to be selectable priori in accordance with the history (Column 16, lines 36-50; Column 28, lines 30-67; Column 30, lines 38-67, Column 31, lines 1-8), at least one menu from a menu of favorites and menu of media (Column 16, lines 36-50, Figure 1, Figure 7) as taught by Alexander, so to improve viewer interaction capabilities with the EPG in using user profile/history information to customize various aspect of the EPG (Column 2, lines 1-20), as suggested by Alexander. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify Florin to include a selection is gradually enlarged (Column 66, lines 20-32, Column 64, lines 5-67, Column 65, lines 63-66) as taught by Herz in order to make it more aesthetically pleasing to a user by zooming in to the menu.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Florin to include the selected child screen or a selected data icon of the earliest time is moved to the center or innermost spiral by shifting the entire menu screen with respect to each of the plurality of child screens displayed on the menu screen (Column 5, lines 30-56), the selected child screen is not duplicative of any of the plurality of child screens displayed on the menu screen as the data icons all descend in the spiral in the order of time (Column 5, lines 16-26) as taught by Hatori in order to provide an EPG that displays plurality of still images arranged in a spiral layout a user can easily have a sense of time intervals or depth in which the user can intuitively have a sense of temporal order (Column 1, lines 5-10, Column 2, lines 38-53) as disclosed by Hatori in an aesthetically pleasing manner.

Furthermore, in *KSR International Co. Teleflex Inc.*, 127 S.Ct 1727 (2007), the Court found that if all the claimed elements are known in the prior art then one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention.

Regarding Claims 2 and 5, Florin, McGee, Alexander, Herz and Hatori disclose all the limitations of Claims 1 and 4 respectively. Florin further discloses

wherein the necessary information is index information or EPG program information (Column 10, lines 61-66) with channel number provided from the service provider for displaying the categorized menu (Figure 1, 50, Column 15, lines 17-40).

Regarding Claims 3 and 6, Florin, McGee, Alexander, Herz and Hatori disclose all the limitations of Claims 1 and 4 respectively. Florin further discloses that the index information or television program listing from the first information source is obtained through the network (Figure 1, 52, Column 2, lines 53-59 and Column 10, lines 45-65).

Regarding Claims 7 and 8, Florin, McGee, Alexander, Herz and Hatori disclose all the limitations of Claims 1 and 4 respectively. Florin further discloses wherein the minimum number of screens is one (Figure 22-35).

Regarding Claims 9 and 13, Florin, McGee, Alexander, Herz and Hatori disclose all the limitations of Claims 1 and 4 respectively. McGee further discloses wherein the first index information includes a plurality of still images indicating scene changes in the information data provided through the information source (Column 5, lines 1-13; Column 10, lines 1-67, Column 11, lines 1-67, Column 12, lines 1-13).

Regarding Claims 10, 14 and 19, Florin, McGee, Alexander, Herz and Hatori disclose all the limitations of Claims 9, 13 and 10 respectively. Florin discloses a third receiver (Figure 2, 63), which includes a second display or second screen displaying a plurality of images (Figures 28, 33-35). McGee further discloses wherein the first index information includes a plurality of still

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images indicating scene changes in the information data provided through the information source (Column 5, lines 1-13; Column 10, lines 1-67, Column 11, lines 1-67, Column 12, lines 1-13). Hatori discloses displaying the plurality of still images in a temporal sequence so that relationships among the plurality of still images can be view in time series (Column 19, lines 40-65).

Regarding Claims 11, 15, 16 and 20, Florin, McGee, Alexander, Herz and Hatori disclose all the limitations of Claims 10, 14, 15, and 19 respectively. Hatori discloses wherein the plurality of still images includes arranging the plurality of still images in a spiral layout, in increasingly smaller size toward the center of the spiral layout (Column 20, lines 1-50).

Regarding Claims 12, 17 and 21, Florin, McGee, Alexander, Herz and Hatori disclose all the limitations of Claims 11 and 20. Hatori discloses controlling and moving the plurality of still images in the spiral layout, such that as more temporally current still images come into view on the outermost arm of the spiral layout, temporally older still images move spirally inward toward the center of the spiral layout (Column 20, lines 1-50).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA E. HOSSAIN whose telephone number is (571)272-5943. The examiner can normally be reached on Monday to Friday 7:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
Unit 2424

FEH  
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